

**MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY**

United States District Court		District of New Jersey	
Name (under which you were convicted): <b>Corey Moore</b>		Docket or Case No.: <b>1:18-cr-00199-NLH-1</b>	
Place of Confinement: <b>Federal Correction Inst. McKean</b>		Prisoner No.:	
UNITED STATES OF AMERICA		Movant (include name under which you were convicted) <b>Corey Moore</b>	
v.			

**MOTION**

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

**United States District Court  
District of New Jersey  
Mitchell H. Cohen Building and U.S. Courthouse  
Fourth and Cooper Street, Camden, New Jersey, 08101**

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**NOV 18 2019**

- (b) Criminal docket or case number (if you know): **1:18-cr-00199-NLH-1**

2. (a) Date of the judgment of conviction (if you know): **September 17, 2018**

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH CLERK

- (b) Date of sentencing: **MARCH 8, 2019**

3. Length of sentence: **96 MONTHS**

4. Nature of crime (all counts):

**§ 922(C) AND TRAFFICKING IN FIREARMS**

5. (a) What was your plea? (Check one)

(1) Not guilty ☐

(2) Guilty ☒

(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

**N/A**

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☐
8. Did you appeal from the judgment of conviction? Yes ☒ No ☐
9. If you did appeal, answer the following:
- (a) Name of court: **Third Circuit Court of Appeals**
- (b) Docket or case number (if you know): **UNK**
- (c) Result: **UNK**
- (d) Date of result (if you know): **UNK**
- (e) Citation to the case (if you know): **UNK**
- (f) Grounds raised: **Ineffective Assistance of counsel**

- (g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know):
- (2) Result:
- (3) Date of result (if you know):
- (4) Citation to the case (if you know):
- (5) Grounds raised:

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result:

N/A

(8) Date of result (if you know):

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result:

N/A

(8) Date of result (if you know):

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE: Ineffective Assistance of Counsel: Failed to consult with him about the advantages and disadvantages of filing an appeal.**

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  
**See Attached document**

**(b) Direct Appeal of Ground One:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

- (2) If you did not raise this issue in your direct appeal, explain why: **Not cognizable on direct appeal**

**(c) Post-Conviction Proceedings:**

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

- (2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

N/A

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND TWO: Ineffective Assistance of Counsel: Instructed Anne C. Singer, Esq., to file notice of appeal but Anne C. Singer, Esq., decided on her own not to do so.**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

**See Attached Document**

**(b) Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: **Not cognizable on direct appeal**

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND THREE: Ineffective Assistance of Counsel: Erroneous Advice**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

**See Attached Document**

**(b) Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: **Not cognizable on direct appeal**

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

NA

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND FOUR:**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):



**(b) Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

N/A

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☒ No ☐  
If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

Third Circuit Court of Appeals

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: LISA LEWIS, ESQ.

(b) At arraignment and plea: LISA LEWIS, ESQ.

(c) At trial:

(d) At sentencing: ANNE C. SINGER, ESQ.

(e) On appeal:

N/A

(f) In any post-conviction proceeding:

N/A

(g) On appeal from any ruling against you in a post-conviction proceeding:

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16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☒ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

**See attached Document**

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of —

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief:

or any other relief to which movant may be entitled.

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Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on (month, date, year).

Executed (signed) on 10-31-19 (date).

  
Signature of Movant

I declare (or certify, verify, or state) under penalty of perjury that I have been notified that I must include in this motion all the grounds for relief from the conviction or sentence that I challenge, and that I must state the facts that support each ground. I also understand that if I fail to set forth all the grounds in this motion, I may be barred from presenting additional grounds at a later date.

Executed (signed) on Oct 31, 2019 (date)

Signature of Movant

Craig M. Brown

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY

Corey Moore,  
Petitioner,

v.

Case No. 1:18-cr-00199-NLH-i

United States,  
Respondant,

MOTION UNDER 28 U.S.C. §2255 TO VACATE, SET ASIDE,  
OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

The Petitioner, Corey Moore, was represented by Anne C. Singer, Esq.  
On motion of the United States, the Court has dismissed counts 1-7, 9-12, 13-15,  
and 17-24 of the indictment.

The Petitioner pleaded guilty to counts 8 and 16 of the INDICTMENT on  
September 17, 2018.

For the purpose of this motion: Ground One: Ineffective Assistance: Failed  
to consult with him about the advantages and disadvantages of filing an appeal.

Support: In Herring, No. 18-4023(10th Cir. August 27, 2019) The Court  
stated that "the allegations in Herring's motion demonstrated that his attorney  
was obligated to consult with him regarding the advantages and disadvantages  
of filing an appeal but failed to perform that consultation adequately." The  
Court in Roe v. Flores-Ortega, 528 U.S. 470 (2000), stated that counsel [must]  
"consult" with their criminal-defendant client about appealing.

Ground Two: Instructed Anne C. Singer, Esq. to file notice of appeal  
but Anna C. Singer decided on her own not to do so. Ineffective Assistance.

Support: Gilberto Garza v. Idaho, 586 US. , 139 S.Ct. , 203 LE2d 77,  
(2019) The presumption of prejudice recognized in Roe v. Flores-Ortega, 528  
U.S. 470 (2000), applies regardless of whether a defendant had signed an appeal  
waiver.

Ground Three: Ineffective Assistance: Erroneous advice

Support: During plea process, Corey Moore, repeatedly asked Anne C. Singer, Esq. whether he would face enhancement for Trafficking; Anne C. Singer, Esq. assured him that he would not as a result of pleading guilty. Based on that assurance, Moore accepted a plea and was sentenced to an enhanced sentence under Trafficking.

This motion is timely filed. Mr. Moore's time for filing a timely appeal under Fed. R. App. Pro. 4(b)(1)(A) expired on March 25, 2019.

Therefore, Movant asks that the Court grant the following relief; Resentence without trafficking enhancement, or any other relief to which Movant may be entitled.

I declare under Penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this, "Motion under 28 U.S.C. §2255," was placed in the prison mailing system on:

Date: 10/15/19

/s/ Corey Moore  
P.O.B. 8000  
Bradford, P.A. 16701



CERTIFICATE OF SERVICE

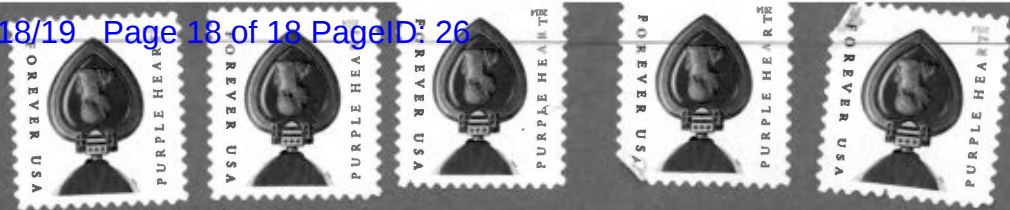
I certify that a true and correct copy of the withing "\$2255" to vacate, correct, or set aside Judgment," was served by postage Paid U.S. Mail to and upon the following:

⇨70988-050⇨

Attorney U S Off  
Diana Carrig 4th Floor  
401 Market ST  
Camden, NJ 08101  
United States

Date: 10/15/19

/s/ Corey Moore



Corey Moore 70988-050

Federal Correctional Institution McKean

Po box 8000 Bradford PA 16701

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Clerk Of The Court  
1st Floor Noel Hillman  
401 Market ST  
Camden, NJ 08101  
United States

